

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 23-3022-KK-JPRx**

Date: August 13, 2024

Title: ***Tower Records Inc., et al. v. Tower Records Square LLC***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Sanctions Should Not Be Imposed for Failure to Comply with Court Orders

On April 21, 2023, plaintiffs Tower Records Inc. and Cumberland Corporate Services Ltd. (“Plaintiffs”) filed a Complaint against defendant Tower Records Square LLC (“Defendant”), alleging trademark infringement and related claims. ECF Docket No. (“Dkt.”) 1.

On November 9, 2023, the Court issued an Order requiring the parties to participate in a panel mediation under the mandatory Court-Directed Alternative Dispute Resolution (“ADR”) Program no later than July 24, 2024. Dkt. 22. The Court further ordered the parties to file a joint report regarding the progress of settlement discussions within seven days of completion of the ADR proceeding. Id.; see also dkt. 21 at 4. The parties were, therefore, required to file a joint report regarding the outcome of the parties’ mediation no later than July 31, 2024. However, to date, the Court has not received a joint post-mediation report.

In addition, pursuant to the Court’s November 22, 2023 Reassignment Order, the parties were required to file a joint case management statement no later than December 7, 2023. See dkt. 25 at 2. However, to date, the Court has not received a joint case management statement.

The parties are, therefore, in violation of the Court’s November 9, 2023 and November 22, 2023 Orders. The Court has inherent power to impose sanctions for “willful disobedience of a court order[.]” See Evon v. Law Offices of Sidney Mickell, 688 F.3d 1015, 1035 (9th Cir. 2012). Before imposing sanctions, the Court will afford the parties an opportunity to explain their failure to comply with the Court’s November 9, 2023 and November 22, 2023 Orders.

Accordingly, Plaintiffs and Defendant are **ORDERED TO SHOW CAUSE** in writing why sanctions should not be imposed. The parties shall have **up to and including August 20, 2024** to file responses to this Order.

Furthermore, Plaintiffs are expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.